

Sanjay Kumar and ors. Vs. the State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Jul-22-2008

Reported in : [2008(4)JCR51(Jhr)]

Judge : R.R. Prasad, J.

Appellant : Sanjay Kumar and ors.

Respondent : The State of Jharkhand and ors.

Judgement :

R.R. Prasad, J.

1. Heard learned Counsel appearing for the petitioners and learned Counsel appearing for the State.
2. Through this writ application, an order as contained in Memo No. 6255 (S), dated 29.08.1998 (Annexre-9) has been sought to be quashed, under which the appointment of 382 employees of the Road Construction Department, Jharkhand, Ranchi, including the petitioners has been cancelled.
3. Learned Counsel appearing for the petitioners submits that some of the persons, whose appointments were also cancelled under the said impugned order (Annexure-9), had approached this Court in W.P.(S) No.3769 of 2001 and other analogous cases, whereby this Court after hearing the parties, quashed that order

and directed the authority concerned to issue a fresh show cause notice and to pass order, in accordance with law.

4. However, that order was challenged by the State of Jharkhand before the Hon'ble Supreme Court, vide S.L.P. No.1604 of 1999 which got dismissed and consequently order of this Court was affirmed. Thereafter the show cause notices were served upon the persons, who were the parties to that writ applications and on cause being show by them, the authority has passed the order terminating there services, but so far these petitioners are concerned, who are working in the Road Construction Department from 1988 to 1991-92, no show cause notice has been served after the general order, as contained in Memo No.6255(S) dated 29.08.1998 (Annexre-9), was set aside by this Court, but in spite of that, these petitioners are being not allowed to work on the premise that the second show cause notices given to the persons, who were the parties to the aforesaid writ applications, will also govern the other persons including these petitioners, which fact gets transpired from the statement made in the counter affidavit, but the fact is that show cause notices in terms of the order passed by this Court in W.P.(S) No.3769 of 2001 and other analogous cases, were issued to only those persons, who were the parties in the aforesaid writ applications and thus, it is evidently clear that the authority without giving any show cause notice, has not been taking any work, from the petitioners nor they have been paid their wages for the period which they actually worked.

5. As against this, learned Counsel appearing for the State submits that the services of the petitioners have already been terminated, by virtue of the order, as contained in Memo No.6255 dated 29.08.1998 (Annexre-9), which has been annexed as Annexure-A to the counter affidavit.

6. Having heard learned Counsel appearing for the parties, it does appear that the show cause notice, under which the petitioners' services were terminated, has already been quashed by this Court in W.P.(S) No.3769 of 2001 and other analogous cases.

7. However, this writ application is buing disposed of, in terms of the order dated 07.03.2003, passed in W.P.(S) No.3769 of 2001 and other analogous cases,

which got affirmed even by the Hon'ble Supreme Court and, accordingly, the respondents are directed to issue fresh notices to the petitioners within a period of three weeks from today for showing causes and the petitioners shall file their show causes within a reasonable period from the date of receipt of the show cause notice and thereafter the respondents will dispose of the matter after considering their show causes within a reasonable period and in the meantime, the respondents would be making payment to the petitioners for the period, which they actually did work.

Let a copy of this order be handed over the learned Counsel appearing for the State.

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